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FROM: S. Robert Chuey,

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Fax No. 513-634-3752

Phone No. 513-634-0102

Application No. : 09/851,040
Inventor(s) : Stephen Zimmerman, *et al.*
Filed : May 8, 2001
Docket No. : 8072M
Confirmation No. : 2167
Customer No. : 27752

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- 1) Fee Transmittal
- 2) Appeal Brief (14 pages)
- 3)

Number of Pages Including this Page: 16

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(FAX-USPTO.doc Revised 11/18/2005)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PTUSB/17 (1-06)

FEE TRANSMITTAL for FY 2006 Patent fees are subject to annual revision. Effective December 8, 2004	Complete if Known	
	Application Number	09/851,040
	Confirmation Number	2167
	Filing Date	05/8/2001
	First Named Inventor	Stephen Paul ZIMMERMAN <i>et al.</i>
	Examiner Name	Drew E. Becker
	Art Unit	1761
TOTAL AMOUNT OF PAYMENT (\$620)		Docket No. 8072M

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METHOD OF PAYMENT 1. <input checked="" type="checkbox"/> The Director is hereby authorized to charge indicated fees submitted on this form, credit any over payments, and charge any additional fee(s) during the pendency of this application to: Deposit Account Number: 16-2480 Deposit Account Name: The Procter & Gamble Company	FEE CALCULATION (continued) 5. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Extension for reply within 1st month</td> <td>(\$120) <input checked="" type="checkbox"/></td> </tr> <tr> <td>Extension for reply within 2nd month</td> <td>(\$450) <input type="checkbox"/></td> </tr> <tr> <td>Extension for reply within 3rd month</td> <td>(\$1,020) <input type="checkbox"/></td> </tr> <tr> <td>Extension for reply within 4th month</td> <td>(\$1,590) <input type="checkbox"/></td> </tr> <tr> <td>Extension for reply within 5th month</td> <td>(\$2,160) <input type="checkbox"/></td> </tr> <tr> <td>Information Disclosure Statement fee</td> <td>(\$180) <input type="checkbox"/></td> </tr> <tr> <td>37 CFR 1.16(f) Late Oath/Declaration (nonprovisional)</td> <td>(\$130) <input type="checkbox"/></td> </tr> <tr> <td>37 CFR 1.17 (q) Surcharge - Late provisional filing fee or cover sheet</td> <td>(\$50) <input type="checkbox"/></td> </tr> <tr> <td>Non-English specification</td> <td>(\$130) <input type="checkbox"/></td> </tr> <tr> <td>Notice of Appeal</td> <td>(\$500) <input type="checkbox"/></td> </tr> <tr> <td>Filing a brief in support of an appeal</td> <td>(\$500) <input checked="" type="checkbox"/></td> </tr> <tr> <td>Request for oral hearing</td> <td>(\$1,000) <input type="checkbox"/></td> </tr> <tr> <td>Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)</td> <td>(\$1,370) <input type="checkbox"/></td> </tr> <tr> <td>Other:</td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	Fee Description	Fee Paid	Extension for reply within 1 st month	(\$120) <input checked="" type="checkbox"/>	Extension for reply within 2 nd month	(\$450) <input type="checkbox"/>	Extension for reply within 3 rd month	(\$1,020) <input type="checkbox"/>	Extension for reply within 4 th month	(\$1,590) <input type="checkbox"/>	Extension for reply within 5 th month	(\$2,160) <input type="checkbox"/>	Information Disclosure Statement fee	(\$180) <input type="checkbox"/>	37 CFR 1.16(f) Late Oath/Declaration (nonprovisional)	(\$130) <input type="checkbox"/>	37 CFR 1.17 (q) Surcharge - Late provisional filing fee or cover sheet	(\$50) <input type="checkbox"/>	Non-English specification	(\$130) <input type="checkbox"/>	Notice of Appeal	(\$500) <input type="checkbox"/>	Filing a brief in support of an appeal	(\$500) <input checked="" type="checkbox"/>	Request for oral hearing	(\$1,000) <input type="checkbox"/>	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	(\$1,370) <input type="checkbox"/>	Other:	<input type="checkbox"/>						
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3. APPLICATION SIZE FEE: Sheets of Spec and Drawings <input type="checkbox"/> (\$250 for each 50 sheets in excess of 100, except for sequence and program listings) SUBTOTAL (2)+(3) (\$0)	SUBTOTAL (5) (\$620)																																				
4. EXTRA CLAIM FEES FOR UTILITY AND REISSUE: <table border="1"> <thead> <tr> <th></th> <th>Extra Claims</th> <th>Fee from Below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims <input type="checkbox"/> - 20** = <input type="checkbox"/> x</td> <td><input type="checkbox"/></td> <td>=</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Independent Claims <input type="checkbox"/> - 3** = <input type="checkbox"/> x</td> <td><input type="checkbox"/></td> <td>=</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Multiple Dependent claims:</td> <td><input type="checkbox"/></td> <td>=</td> <td><input type="checkbox"/></td> </tr> </tbody> </table> ** or number previously paid, if greater; For Reissues, see below Fee Description Claims in excess of 20 (\$50 per claim) Independent claims in excess of 3 (\$200 per claim) Multiple dependent claim, if not paid (\$360) **Reissue: each independent claim over 3 and more than in the original patent (\$200 per claim) **Reissue claims: each claim over 20 and more than original patent (\$50 per claim) SUBTOTAL (4) (\$0)		Extra Claims	Fee from Below	Fee Paid	Total Claims <input type="checkbox"/> - 20** = <input type="checkbox"/> x	<input type="checkbox"/>	=	<input type="checkbox"/>	Independent Claims <input type="checkbox"/> - 3** = <input type="checkbox"/> x	<input type="checkbox"/>	=	<input type="checkbox"/>	Multiple Dependent claims:	<input type="checkbox"/>	=	<input type="checkbox"/>																					
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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	S. Robert Chuey	Registration No.	39,140
Signature		(Attorney/Agent)	
		Telephone	(513) 624-0102
		Date	May 30, 2006

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAY 30 2006

P&G Case 8072M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/851,040
Appellant(s) : Stephen Paul Zimmerman, et al.
Filed : May 5, 2001
Title : SNACK PIECE HAVING INCREASED PACKED
DENSITY
TC/A.U. : 1761
Examiner : D. E. Becker
Conf. No. : 2167
Docket No. : 8072M
Customer No. : 27752

APPELLANTS' BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal is taken from the Final Office Action dated November 28, 2005, finally rejecting Claims 1-3, 5-23, 28-29 and 31-34 of the present application. Appellants appealed to the Board of Appeals on February 28, 2006. The one month anniversary of this Appeal fell on a Sunday before the Memorial Day Holiday, and as such, a one month extension is believed required and a request is filed herewith.

REAL PARTY IN INTEREST

The real party in interest is The Procter & Gamble Company, assignee of Appellant's entire right, title, and interest in the invention at issue. The Assignment to the Procter & Gamble Company for this case is recorded at the Patent and Trademark Office at Reel 012442 and Frame 0149.

05/31/2006 AKELECH1-00000076-162480 09851040
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Void date: 05/31/2006 AKELECH1
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RELATED APPEALS AND INTERFERENCES

Appellant, Appellant's undersigned legal representative and the Assignee are not aware of any pending appeals or interferences that would be directly affected by or have a bearing on the Board's decision in the subject Appeal.

STATUS OF CLAIMS

Claims 1-3, 5-23, 28-29 and 31-34 are the subject of this appeal. No other claims are pending or allowed. Claims 4, 24-27 and 30 were cancelled during prosecution. Claims 1-3, 5-23, 28-29 and 31-34 were finally rejected in the Final Office Action dated November 28, 2005. The claims on appeal are set forth in the Appendix.

STATUS OF AMENDMENTS

No amendments were filed or proposed after the Final Office Action in this case. And it is believed that all previous amendments have been entered and considered.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present Appeal relates to a plurality of overlapping snack pieces having concave-curved snack pieces. Each snack piece has a surface that includes random surface features extending from the surface. Further, the overlapping snack pieces have a volumetric bulk density of greater than about $8.0 \times 10^{-5} \text{ g/mm}^3$. [Claim 1]

The packaging of snack food products and farinaceous snack pieces, such as potato chips, corn chips, tortilla chips and others, generally involves placing the snack pieces into a package, such as a bag, in a randomly packed manner. The bags used are typically flow-wrap, polymer film bags. [Specification, at page 1, lines 15-18] Random packing of snack pieces into such bags or large volume cans produces a package having a low bulk density. The low bulk density results in large void spaces in the bag which not only permits more oxygen and moisture into the package, thus increasing the opportunity for the snack pieces to become rancid and stale, but also creates a lower value perception to the consumer. However random packing is most widely used in the packing of snack pieces because it is relatively cheap, requires less energy and is less complicated than packing snack pieces into a high density nested arrangement or packed alignment. [Specification, at page 1, line 25- page 2, line 5]

The Procter and Gamble Pringles® Potato Crisp Brands use a nested arrangement of stacked potato crisps having a compound curve packaged in a foil fiber can. There are a other foil fiber cans having potato snack pieces in a stacked arrangement in which each snack piece has a

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single curvature. [Specification, at page 2, lines 23-26] But just providing snack pieces with curvature does not always produce higher bulk densities. Large snack pieces and snack pieces with curvature can be especially space inefficient because they organize in such a way that they leave large void spaces between each piece. [Specification, at page 2, lines 28-31]

An additional problem with placing snack pieces in densely nested arrangements is that certain snack pieces, such as tortilla chips, have surface features, i.e., texture bubbles or blisters located on the snack pieces' surfaces that provide the snack pieces with their crispy crunch. These surface features or blisters tend to increase the average thickness of the snack piece and thus lower the packed density of the snack piece nested arrangement. Additionally, these surface features tend to be very thin and fragile and thus susceptible to fracture. Thus, when stacking snack pieces with such features in a dense nested arrangement, a force is placed on the snack pieces to orient them in the arrangement and such force may break the features. Unlike randomly packed snacks, the upper and lower surface of each snack piece are placed in intimate contact with each other thus increasing the probability that a surface feature can be compressed. Furthermore, as each additional snack piece is placed on a vertical stack of snack pieces, it adds an incremental force onto the snack pieces below it. These incremental forces also can break the snack pieces' surface features. It is desirable to deliver the snack pieces to the consumer with as many of these surface features intact and yet be in a dense packed arrangement. [Specification, at page 3, lines 4-17]

But the present invention provides thicker snack chips with raised surface features, such as the bubbles on the surface of tortilla chips, that will consistently hold a large amount of dip, and be capable of a high package density. Thicker chips are also better able to resist breakage during the dipping experience due to their increased strength. Making chips thicker, however, traditionally creates a tradeoff that makes it more difficult to achieve higher package density. Thicker chips can deflect less when arranged in a stack leading to increased spacing between the chips, leading to lower linear density. Surface features such as bubbles add thickness with very little weight which further complicates the capability to achieve higher packed densities. [Specification, at page 3, line 26, thru page 4, line 3]

Thus, the present invention provides thick snack pieces that provide improved packed densities, as well as, optimized lipid content in nested arrangements having improved packed densities. The present invention also provides snack pieces with random topographical surface features in nested arrangements with improved packed densities. Further provided is a package kit containing a nested arrangement of snack pieces having increased package density. [Specification, at page 4, lines 20-25]

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GROUND'S OF REJECTION TO BE REVIEWED ON APPEAL

Are Claims 1-3, 8-15 18-23, 28-29, and 31-34 obvious over Szwerc (U.S. Patent No. 4,844,919) in view of Appellants' Admitted Prior Art (hereinafter AAPA), under 35 U.S.C. § 103 (a)?

Are Claims 1-3, 8-15 18-23, 28-29, and 31-34 obvious over Hamann (U.S. Design Patent No. 268,539) in view of AAPA, under 35 U.S.C. § 103 (a)?

Are Claims 1, 3, 8-13, 15, 18-19, 21-22, and 28 obvious over Szwerc in view of in view of Carey, et al. (U.S. Patent No. 5,747,092), under 35 U.S.C. § 103 (a)?

Are Claims 5, 6 and 16-17 obvious over Szwerc in view of AAPA, and further in view of Fink, et al. (U.S. Patent No. 6,129,939), under 35 U.S.C. § 103 (a)?

Is Claim 7 obvious under 35 U.S.C. § 103(a) as being unpatentable over Szwerc in view of the AAPA and Fink, as applied above, and further in view of Fritos Scoops?

Are Claims 5-6 and 15-17 obvious under 35 U.S.C. § 103(a) as being unpatentable over Szwerc in view of Carey, and further in view of Fink?

Is Claim 7 obvious under 35 U.S.C. § 103(a) as being unpatentable over Szwerc in view of Carey and Fink, and further in view of Fritos Scoops?

Are Claims 2, 14, 20, 23, 29 and 31-34 obvious under 35 U.S.C. § 103(a) as being unpatentable over Szwerc in view of Carey as applied previously and further in view of the AAPA?

ARGUMENTS

The Examiner's Rejections Under 35 U.S.C. § 103 Rejection

Claims 1-3, 8-15 18-23, 28-29, and 31-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Szwerc (U.S. Patent No. 4,844,919) in view of Appellants' Admitted Prior Art (hereinafter AAPA).

The Examiner asserts that Szwerc teaches snack pieces comprising consistent concave-curved pieces with random surface features and then cites Figures 1-3 of Szwerc as evidence of the presence of the random surface features. The Examiner cites the AAPA as evidence of non-planar snack pieces in a nested arrangement.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the

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knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all of the claim limitations.¹

Appellants respectfully disagree with the Examiner's contentions and assert that the Examiner has failed to present a prima facie case of obviousness against Appellants' claims using the combination of Szwerc in view of the AAPA.

Appellants assert that the Szwerc/AAPA combination does not teach or suggest Appellants' random surface features. Rather, Szwerc teaches a fused, substantially continuous particulate flavored topping composition (2)—see Figures 1-3.² The continuous particulate flavored topping composition of the Szwerc/AAPA combination directly teaches away from Appellants' invention.³ In their specification, Appellants state the following: "The definition of random surface features as found in the present invention do not include patterned surface features such as those found in Ridges®."⁴ In describing these types of surface features, Appellants note that these surface features are a continuous pattern.⁵ As noted above, Szwerc provides a continuous topping composition.

Moreover, the only surface texture of any kind taught in Szwerc is a "particulate starch coating" that is applied to one side of the snack piece to insure the snack curls during cooking.⁶ Appellants contend therefore first that the so-called surface features found in the Szwerc/AAPA combination are not Appellants' random surface features. Rather they are a continuous layer laid on top of the smooth surface of the snack pieces of the combination. Appellants further contend that even if the continuous layer could be interpreted as providing surface features to the snack pieces of the Szwerc/AAPA combination, it would still not teach Appellants' random surface features, and in fact would teach away from Appellants' invention since Appellants have specifically disclaimed continuous layers as exclusively taught by Szwerc in the Szwerc/AAPA combination. Thus there is no teaching or suggestion of the "random surface features" of the present claims.

Additionally, there is no motivation in the references themselves to make the combination that the Examiner suggests to be obvious. As described above, Szwerc does not teach or suggest

¹ In re Vaeck, 947 F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

² Szwerc (U.S. Patent No. 4,844,919); col. 4, lines 46-49.

³ A reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. See W.L. Gore and Assoc., Inc. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303 (Fed.Cir. 1983), cert. denied, 469 U.S. 851 (1984).

⁴ Appellants' Specification; page 20, lines 27-29.

⁵ Id. at page 20, lines 24-25.

⁶ Szwerc (U.S. Patent No. 4,844,919); col. 4, lines 19-37.

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Attorney Docket Number 8072M
Appeal Brief dated May 30, 2006

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random surface features, and the AAPA is included in the present specification for the sole purpose of distinguishing the prior art over the present claims. Thus, neither of these references include any motivation for the skilled artisan to make the combination suggested by the Examiner.

Thus, Appellants respectfully request that the Board overturn the Examiner's 35 U.S.C. § 103(a) rejection over Szwerz in view of the AAPA. Reconsideration and allowance of Claims 1-3, 8-15, 18-23, 28-29, and 31-34, is respectfully requested.

Claims 1-3, 8-15, 18-23, 28-29, and 31-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamann (U.S. Design Patent No. 268,539--hereinafter Hamann) in view of Appellants' Admitted Prior Art (hereinafter AAPA).

The Examiner asserts that Hamann teaches snack pieces comprising consistent concave-curved pieces with random surface features. The Examiner cites the AAPA as evidence of non-planar snack pieces in a nested arrangement.

Appellants respectfully disagree with the Examiner's contentions and assert that the Examiner has failed to present a prima facie case of obviousness against Appellants' claims using the combination of Hamann in view of the AAPA.

Appellants assert that the Hamann/AAPA combination does not teach or suggest Appellants' random surface features. Rather, Hamann, which is, of course a design patent, has no description whatsoever. Hamann does have drawings, which appear to show a curved potato product with a smooth surface and a less-smooth surface. The drawings do not show random surface features as defined in the present specification and discussed above.

More importantly, because Hamann has no description, there is no motivation in the reference itself to make the combination that the Examiner suggests to be obvious. Nor would one skilled in the art be motivated to make this combination based solely on the drawing of Hamann. And the AAPA is included in the present specification for the sole purpose of distinguishing the prior art over the present claims. Thus, neither of these references include any motivation for the skilled artisan to make the combination suggested by the Examiner.

Thus, Appellants respectfully request that the Board overturn the Examiner's 35 U.S.C. § 103(a) rejection under Hamann in view of the AAPA. Reconsideration and allowance of Claims 1-3, 8-15, 18-23, 28-29, and 31-34, is respectfully requested.

Claims 1, 3, 8-13, 15, 18-19, 21-22 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Szwerz in view of Carey, et al. (U.S. Patent No. 5,747,092--hereinafter Carey).

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As noted above, Szwerc teaches away from Appellants' invention by use of their continuous, and not random, topping layer on the snack pieces of the Szwerc/Carey combination. Appellants assert that no combination of references with Szwerc cures this defect and that the Examiner has not properly met the burden of proving a prima facie case of obviousness against Appellants' claims.

Therefore, Appellants respectfully request reconsideration and allowance of their Claims 1, 3, 8-13, 15, 18-19, 21-22 and 28 over the Examiner's 35 U.S.C. § 103(a) rejection under Szwerc in view of Carey.

Claims 5-6 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Szwerc in view of the AAPA, as applied herein previously, and further in view of Fink, et al. (U.S. Patent No. 6,129,939--hereinafter, Fink).

As noted above, Szwerc teaches away from Appellants' invention by use of their continuous topping layer on the snack pieces of the Szwerc/AAPA/Fink combination. Appellants assert that no combination of references with Szwerc cures this defect and that the Examiner has not properly met the burden of proving a prima facie case of obviousness against Appellants' claims.

Therefore, Appellants respectfully request reconsideration and allowance of their Claims 5-6 and 16-17 over the Examiner's 35 U.S.C. § 103(a) rejection under Szwerc in view of the AAPA and further in view of Fink.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Szwerc in view of the AAPA and Fink, as applied above, and further in view of Fritos Scoops.

Claim 7 depends from claim 5 which is believed to be patentable over the combination of Szwerc in view of the AAPA and further in view of Fink as detailed directly above. Fritos Scoops do not cure the deficiencies of the Szwerc, the AAPA and Fink. As such, the addition of Fritos Scoops does not render claim 7 obvious under 35 U.S.C. § 103(a) and it is respectfully requested that the present rejection be overturned.

Claims 5-6 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Szwerc in view of Carey and further in view of Fink.

As noted above, Szwerc teaches away from Appellants' invention by use of their continuous topping layer on the snack pieces of the Szwerc/Carey/Fink combination. Appellants assert that no combination of references with Szwerc cures this defect and that the Examiner has

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not properly met the burden of proving a prima facie case of obviousness against Appellants' claims.

Therefore, Appellants respectfully request reconsideration and allowance of their Claims 5-6 and 15-17 over the Examiner's 35 U.S.C. § 103(a) rejection under Szwerc in view of Carey and further in view of Fink.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Szwerc in view of Carey and Fink, and further in view of Fritos Scoops.

Claim 7 depends from claim 5 which is believed to be patentable over the combination of Szwerc in view of Carey and further in view of Fink as detailed directly above. Fritos Scoops do not cure the deficiencies of the Szwerc, Carey and Fink. As such, the addition of Fritos Scoops does not render claim 7 obvious under 35 U.S.C. § 103(a) and it is respectfully requested that the present rejection be overturned.

Claims 2, 14, 20, 23, 29 and 31-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Szwerc in view of Carey as applied herein previously and further in view of the AAPA.

As noted above, Szwerc teaches away from Appellants' invention by use of their continuous topping layer on the snack pieces of the Szwerc/Carey/AAPA combination. Appellants assert that no combination of references with Szwerc cures this defect and that the Examiner has not properly met the burden of proving a prima facie case of obviousness against Appellants' claims.

Therefore, Appellants respectfully request reconsideration and allowance of their Claims 2, 14, 20, 23, 29 and 31-34 over the Examiner's 35 U.S.C. § 103(a) rejection under Szwerc in view of Carey and further in view of the AAPA.

CONCLUSION

For all of the foregoing reasons, it is respectfully asserted that the snack pieces having improved bulk density of the present claims are indeed patentable over the prior art. Reversal of these rejections is therefore respectfully requested.

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Respectfully submitted,
For: ZIMMERMAN, ET AL.

By 

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Date: May 30, 2006

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CLAIMS APPENDIX

1. A plurality of overlapping snack pieces comprising:
 - a. concave-curved snack pieces each having a surface including random surface features extending from said surface;
 - b. wherein said plurality of overlapping snack pieces have a volumetric bulk density of greater than about $8.0 \times 10^{-5} \text{ g/mm}^3$.
2. A plurality of overlapping snack pieces according to claim 1, wherein said plurality of overlapping snack pieces are in a nested arrangement.
3. A plurality of overlapping snack pieces according to claim 1, wherein said volumetric bulk density is from about $8.0 \times 10^{-5} \text{ g/mm}^3$ to about $80 \times 10^{-5} \text{ g/mm}^3$.
5. A plurality of overlapping snack pieces according to claim 1, wherein each of said snack pieces has a bowl-shaped curvature.
6. A plurality of overlapping snack pieces according to claim 1, wherein said snack pieces each comprise a segment of a sphere cap.
7. A plurality of overlapping snack pieces according to claim 5, wherein said snack piece has a radius of curvature from about 5 mm to about 500 mm.
8. A plurality of overlapping snack pieces according to claim 1, wherein said snack piece has a modulus of elasticity from about 0.1 g/mm^2 to about 6.0 g/mm^2 .
9. A plurality of overlapping snack pieces according to claim 2, wherein said snack piece having a maximum thickness from about 2.5 mm to about 5.5 mm.
10. A plurality of overlapping snack pieces according to claim 1, wherein each said snack piece contains a lipid content from about 18% to about 40%.
11. A plurality of overlapping snack pieces according to claim 1, wherein each said snack piece has a density from about $1.0 \times 10^{-4} \text{ g/mm}^3$ to about $17 \times 10^{-4} \text{ g/mm}^3$.
12. A plurality of overlapping snack pieces according to claim 1, wherein each of said snack pieces in said plurality of overlapping snack pieces are consistent in size and shape.
13. A plurality of overlapping snack pieces according to claim 1, wherein said snack pieces are contained in a package.

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14. A plurality of overlapping snack pieces according to claim 13, wherein said plurality of overlapping snack pieces is placed in a package, said package having a packed bulk density from about $10 \times 10^{-5} \text{ g/mm}^3$ to about $35 \times 10^{-5} \text{ g/mm}^3$.
15. A plurality of overlapping snack pieces comprising:
 - a. non-planar snack pieces each having a concave curvature;
 - b. wherein said plurality of overlapping snack pieces have a volumetric bulk density of greater than about $8.0 \times 10^{-5} \text{ g/mm}^3$.
16. A plurality of overlapping snack pieces according to claim 15, wherein each of said snack pieces has a bowl-shaped curvature.
17. A plurality of overlapping snack pieces according to claim 15, wherein each of said snack pieces comprises a segment from a sphere cap.
18. A plurality of overlapping snack pieces according to claim 15, wherein said volumetric bulk density is from about $8.0 \times 10^{-5} \text{ g/mm}^3$ to about $80 \times 10^{-5} \text{ g/mm}^3$.
19. A plurality of overlapping snack pieces according to claim 15, wherein each of said snack pieces has a lipid content ranging from about 18% to about 40%.
20. A plurality of overlapping snack pieces according to claim 15, wherein said plurality of overlapping snack pieces is placed in a package, said package having a packed bulk density from about $10 \times 10^{-5} \text{ g/mm}^3$ to about $35 \times 10^{-5} \text{ g/mm}^3$.
21. A plurality of overlapping snack pieces comprising:
 - a. non-planar snack pieces that are concave-curved having a maximum thickness greater than about 2.5 mm;
 - b. wherein said plurality of overlapping snack pieces have a volumetric bulk density of greater than about $8.0 \times 10^{-5} \text{ g/mm}^3$.
22. A plurality of overlapping snack pieces according to claim 21, wherein said each of said snack pieces has a lipid content ranging from about 18% to about 40%.
23. A plurality of overlapping snack pieces comprising:
 - a. non-planar snack pieces each having a concave curvature;
 - b. wherein said plurality of overlapping snack pieces is placed in a package, said package having a packed volumetric bulk density ranging from about $10 \times 10^{-5} \text{ g/mm}^3$ to about $35 \times 10^{-5} \text{ g/mm}^3$.
28. A plurality of overlapping snack pieces comprising:

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- a. concave-curved snack pieces each having a lipid content of less than about 23% by weight of the snack piece;
 - b. wherein said plurality of overlapping snack pieces have a volumetric bulk density from about $8.0 \times 10^{-5} \text{ g/mm}^3$ to about $80 \times 10^{-5} \text{ g/mm}^3$.
- 29. A plurality of overlapping snack pieces according to claim 28, wherein said plurality of overlapping snack pieces is placed in a package, said package having a packed volumetric bulk density from about $10 \times 10^{-5} \text{ g/mm}^3$ to about $35 \times 10^{-5} \text{ g/mm}^3$.
- 31. A plurality of overlapping snack pieces comprising:
 - c. non-planar snack pieces each having a surface including random surface features extending from said surface;
 - d. wherein said plurality of overlapping snack pieces have a volumetric bulk density of from about $25 \times 10^{-5} \text{ g/mm}^3$ to about $60 \times 10^{-5} \text{ g/mm}^3$.
- 32. A plurality of overlapping snack pieces according to Claim 31, wherein said overlapping snack pieces have a volumetric bulk density of from about $35 \times 10^{-5} \text{ g/mm}^3$ to about $60 \times 10^{-5} \text{ g/mm}^3$.
- 33. A package comprising a plurality of overlapping snack pieces comprising:
 - a. non-planar snack pieces each having a surface including random surface features extending from said surface;
 - b. wherein said plurality of overlapping snack pieces have a volumetric bulk density of from about $25 \times 10^{-5} \text{ g/mm}^3$ to about $60 \times 10^{-5} \text{ g/mm}^3$;wherein said package has a packed volumetric bulk density from about $14 \times 10^{-5} \text{ g/mm}^3$ to about $35 \times 10^{-5} \text{ g/mm}^3$.
- 34. The package according to Claim 33, wherein said plurality of overlapping snack pieces have a volumetric bulk density of from about $35 \times 10^{-5} \text{ g/mm}^3$ to about $60 \times 10^{-5} \text{ g/mm}^3$; and said package has a packed volumetric bulk density from about $18 \times 10^{-5} \text{ g/mm}^3$ to about $35 \times 10^{-5} \text{ g/mm}^3$.

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EVIDENCE APPENDIX

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RELATED PROCEEDINGS APPENDIX

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